

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RANDALL KEITH BEANE AND
HEATHER ANN TUCCI-JARRAF,

Defendants.

Case No.: 3:17-CR-82

VOLUME VIII of VIII

JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE THOMAS A. VARLAN

February 1, 2018
10:57 a.m. to 11:28 a.m.

APPEARANCES:

FOR THE PLAINTIFF:

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**FOR THE DEFENDANT:
RANDALL BEANE**

RANDALL KEITH BEANE, PRO SE
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**FOR THE DEFENDANT:
(As Elbow Counsel)**

STEPHEN G. McGRATH, ESQUIRE
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REPORTED BY:

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APPEARANCES (CONTINUED) :

FOR THE DEFENDANT:
HEATHER ANN
TUCCI-JARRAF

HEATHER ANN TUCCI-JARRAF, PRO SE
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1 (Call to Order of the Court)

2 THE COURT: Thank you. Good morning, everyone.

3 I've been informed that our jury is prepared to
4 return a verdict in this case. So we'll bring the jury in to
5 receive the verdict.

6 (Jury in at 10:57 a.m.)

7 THE COURT: All right. Thank you. Everyone may be
8 seated.

9 Good morning to our members of the jury. The Court
10 has been informed that the jury has agreed upon a verdict in
11 this case. I believe our juror in seat nine served as our jury
12 foreperson. Is that correct?

13 JURY FOREPERSON: Yes.

14 THE COURT: Has the jury unanimously agreed upon a
15 verdict in this case?

16 JURY FOREPERSON: Yes, sir.

17 THE COURT: Would you please pass the verdict form
18 for review by the Court.

19 I'll ask the courtroom deputy to read the verdict
20 form aloud at this time.

21 THE COURTROOM DEPUTY: We, the members of the jury,
22 find unanimously from all the evidence as follows:

23 One, as to Count 1 of the indictment, charging a
24 violation of 18 U.S.C. Section 1343, that is, wire fraud,
25 occurring on or about July 6th, 2017, we find the defendant,

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1 Randall Keith Beane, guilty.

2 Two, with respect to Count 1 of the indictment, we
3 find that the conduct constituting this offense did affect a
4 financial institution.

5 Three, as to Count 2 of the indictment, charging a
6 violation of 18 U.S.C. Section 1343, that is, wire fraud,
7 occurring on or about July 6th, 2017, we find the defendant,
8 Randall Keith Beane, guilty.

9 Four, with respect to Count 2 of the indictment, we
10 find that the conduct constituting this offense did affect a
11 financial institution.

12 Five, as to Count 3 of the indictment, charging a
13 violation of 18 U.S.C. Section 1343, that is, wire fraud,
14 occurring on or about July 6th, 2017, we find the defendant,
15 Randall Keith Beane, guilty.

16 Six, with respect to Count 3 of the indictment, we
17 find that the conduct constituting this offense did affect a
18 financial institution.

19 Seven, as to Count 4 of the indictment, charging a
20 violation of 18 U.S.C. Section 1343, that is, wire fraud,
21 occurring on or about July 6th, 2017, we find the defendant,
22 Randall Keith Beane, guilty.

23 Eight, with respect to Count 4 of the indictment, we
24 find that the conduct constituting this offense did affect a
25 financial institution.

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1 Nine, as to Count 5 of the indictment, charging a
2 violation of 18 U.S.C. Section 1343, that is, wire fraud,
3 occurring on or about July 7, 2017, we find the defendant,
4 Randall Keith Beane, guilty.

5 Ten, with respect to Count 5 of the indictment, we
6 find that the conduct constituting this offense did affect a
7 financial institution.

8 Eleven, as to Count 6 of the indictment, charging a
9 violation of 18 U.S.C. Section 1344, that is, bank fraud, from
10 on or about July 5, 2017 continuing through at least on or
11 about July 11, 2017, we find the defendant, Randall Keith
12 Beane, guilty.

13 Twelve, as to Count 7 of the indictment, charging a
14 violation of 18 U.S.C. Section 1956(h), that is, conspiracy to
15 commit money laundering, we find the defendant, Randall Keith
16 Beane, guilty.

17 Thirteen, as to Count 7 of the indictment, charging a
18 violation of 18 U.S.C. Section 1956(h), that is, conspiracy to
19 commit money laundering, we find the defendant, Heather Ann
20 Tucci-Jarraf, guilty.

21 Signed by the foreperson, February 1st, 2018.

22 THE COURT: All right. Thank you.

23 I want to make sure the verdict is the verdict of
24 each of you as jurors. If the verdict as read is the verdict
25 of each of you, please so indicate by raising your right hand

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1 at this time.

2 All right. Thank you. Let the record reflect that
3 each juror has raised his or her right hand in affirmative
4 fashion in response to polling of the jury.

5 The Court will direct the courtroom deputy to file
6 and record the verdict at the conclusion of today's proceeding.

7 Members of the jury, that concludes your service in
8 this case. The Court wants to thank you for your service, and
9 remind you that you have performed an important civic duty, and
10 you've listened to this case and have been very conscientious,
11 and you're due the thanks of all of us for your service. And
12 please be assured you have performed a valuable public service.

13 I want to remind you, and you heard me remind the
14 alternate jurors of this prior to their dismissal yesterday,
15 but I want to remind you, as I do at the end of each case, of
16 the Court's Local Rule 48.1, which provides that no attorney,
17 party, or representative of either may question a juror after a
18 verdict has been returned without prior permission of the
19 Court.

20 And I want to inform you that no such permission has
21 either, A, been requested or, B, been granted by the Court in
22 this case. So, please keep that in mind.

23 So, again, thank you for your service, and you're
24 discharged with the Court's appreciation.

25 THE COURTROOM DEPUTY: All rise.

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1 (Jury out at 11:04 a.m.)

2 THE COURT: All right. Thank you. Everyone may be
3 seated.

4 Mr. Beane and Ms. Tucci-Jarraf, as you heard the
5 verdict read, you have been found guilty, Mr. Beane, of
6 Counts 1 through 7, inclusive, and Ms. Tucci-Jarraf has been
7 found guilty of Count 7.

8 So the next step in this process is for the Court to
9 impose sentence. Prior to sentencing, the United States
10 probation officer will prepare what's known as a presentence
11 investigation report, which will aid the Court in fashioning an
12 appropriate sentence in this case. You will be asked -- each
13 of you respectively as defendants will be asked to give
14 information to the probation officer for the presentence
15 report.

16 And our local rules provide that you may have your
17 attorney present with you at that time if you wish. Obviously,
18 you were representing yourselves, but I believe that would
19 equally apply to your standby counsel as well.

20 You, and if you desire, your standby counsel, will be
21 permitted to read the presentence report before the sentencing
22 hearing. Within 14 calendar days of filing of the presentence
23 report, all parties must file with the Court any objections
24 they may have to the report or a notice of no objections
25 pursuant to Local Rule 83.9(c).

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1 The Court also reminds the parties that pursuant to
2 Local Rule 83.9(j), the government is to file any motion
3 pursuant to 18 United States Code Section 3553(e) or Section
4 5K1.1 of the Guidelines or for a sentence below the statutory
5 mandatory minimum at least seven days before the sentencing
6 hearing.

7 As to all parties, any other motions for downward or
8 upward departure or variance and all sentencing memoranda must
9 be filed at least 14 days before the sentencing hearing date.
10 Failure to comply with these deadlines may result in a denial
11 of a request for a departure or variance.

12 To the extent the parties cannot comply with these
13 deadlines, the parties shall notify chambers as soon as
14 practically possible and demonstrate good cause for an
15 extension as required by Local Rule 83.9(g).

16 Also if an evidentiary hearing is required on any
17 objections to the report, the party must expressly request a
18 hearing at the time of the filing of any objections or
19 responses.

20 And the defendants are advised, again, respectively,
21 that you, as parties representing yourselves, and as parties --
22 specifically as parties, irrespective of whether you are
23 representing yourselves, but you will be permitted to speak on
24 your own behalf at the sentencing hearing.

25 Sentencing hearing dates sometimes have to change

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1 because of the Court's calendar or other matters, so I'm going
2 to set sentencing on these dates: Mr. Beane for June 12, 2018
3 at 10:00 a.m. and for Ms. Tucci-Jarraf for June 26th, 2018 at
4 10:00 a.m.

5 Again, I caution anyone making note of those dates,
6 obviously, the parties will be directly advised if those dates
7 change and their counsel and/or standby counsel, but sometimes
8 those dates have to be changed. Sometimes they're moved up,
9 sometimes they're moved back. But for now, the dates are going
10 to be June 12th, 2018 at 10:00 a.m. for the defendant,
11 Mr. Beane, and June 26th, 2018 at 10:00 a.m. for the defendant,
12 Ms. Tucci-Jarraf.

13 All right. Next, the Court notes the defendant
14 Mr. Beane was ordered detained pending trial after he waived
15 his right to a detention hearing. The Court would provide for
16 the continued detention of Mr. Beane pending his sentencing in
17 this case.

18 The defendant, Ms. Tucci-Jarraf, has, on the other
19 hand, been released pending trial in this case. She's now been
20 found guilty of Count 7 of the indictment, conspiracy to commit
21 money laundering.

22 What are the parties' positions on detention at this
23 time? Hear first from the government.

24 MS. DAVIDSON: Your Honor, the United States moves
25 for the detention of Ms. Tucci-Jarraf. She has been found

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1 guilty. As this Court knows, this is the same position that we
2 have taken all along. Ms. Tucci-Jarraf does not believe that
3 this Court has any jurisdiction over her. And as such, she's a
4 flight -- a risk of flight.

5 Further, now that she has been found guilty, we
6 believe that she poses a greater risk of flight than she did
7 pretrial.

8 Finally, Your Honor, this defendant has continually
9 refused to comply with this Court's order, including not
10 returning the jury questionnaires, which were provided in
11 aid -- to aid her in trial. In fact, in her response that she
12 filed this morning, she swore that she provided them to standby
13 counsel a week before we actually even received them.

14 So based on this conduct, we ask that she be
15 remanded.

16 THE COURT: All right. Ms. Tucci-Jarraf, do you have
17 a response to the government's request that you be remanded at
18 this time?

19 MR. LLOYD: Your Honor, with leave of the Court,
20 Ms. Tucci-Jarraf would prefer that I speak for her.

21 THE COURT: That would be fine. Why don't you come
22 up to the podium, just to make sure we can hear.

23 MR. LLOYD: Yes, Your Honor.

24 This is, of course, not a controlled substance, this
25 exact case, and therefore no presumption with respect to the

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1 availability of presentence release is called for.

2 Ms. Tucci-Jarraf has complied assiduously with all of
3 the requirements imposed on her since she was first required to
4 report to the probation office pending this trial. That has
5 included even yesterday making certain that she was at her
6 residence immediately or as soon as possible after court
7 recessed to be checked on by a representative of the probation
8 office.

9 She has, in short, complied with every condition of
10 release imposed on her, and has -- has not merely cooperated --
11 or has not cooperated grudgingly. She has done all required of
12 her by the probation office, including showing up for
13 urinalysis, wearing an ankle bracelet, and reporting as needed
14 or required.

15 In short, her conduct up to the time of verdict has
16 illustrated that the conditions previously imposed have been
17 sufficient to cause her to appear when and as required.

18 There is obviously a set of conditions, including
19 surrender of a passport, sufficient to do that without
20 incarcerating this defendant prior to her post-trial motions
21 and to sentencing by the Court as well as appeal.

22 I will address what counsel for the government raised
23 about the jury instructions by saying that if my client tells
24 me that those -- that the jury questionnaires were delivered
25 back to me, I will make another search of my office.

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1 THE COURT: I think the issue there is she's stating
2 in a declaration that she received them on January 8th and gave
3 them back to you on January 12th, but the government is saying
4 that -- and I think this is accurate, that the jury
5 questionnaires were not even distributed until January 18th by
6 the jury administrator.

7 So there would have been no possible way she would
8 have either received them on January 12th or given them back to
9 you on -- or received them on January 8th and given them back
10 to you on January 12th, because they were not ready to be
11 disseminated until January 18th.

12 MR. LLOYD: And I understand counsel -- the
13 government's counsel's point on that, but I still submit, Your
14 Honor, that adding that fact to the fact that she has been in
15 compliance throughout the time period leading up to this trial
16 shows that that discrepancy or mistake is not a sufficient
17 reason to incarcerate this person who has, again, complied with
18 all pretrial conditions and has asserted on the basis of her
19 beliefs, some of which have been presented during this trial,
20 that she intends to be here for as long as it takes to complete
21 the trial level adjudication of this case.

22 With that, Your Honor, I suggest that the continued
23 order of detention with any conditions that the Court finds
24 need to be added would be a sufficient alternative to the
25 expense of incarceration and the difficulties incarceration

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1 causes anyone consulting with counsel while sentencing is
2 pending.

3 THE COURT: Ms. Davidson, if you'd like to respond?

4 MS. DAVIDSON: Just briefly, Your Honor.

5 THE COURT: Before you respond, and both counsel, I
6 mean, I always like to start with a standard.

7 And, Mr. Lloyd, you'd concede the standard is
8 different now with the return of a guilty verdict than it was
9 at the time of initial appearance when there was a presumption
10 of innocence?

11 MR. LLOYD: I acknowledge that.

12 THE COURT: Okay. And you might speak to that too,
13 Ms. Davidson, so we all have the proper standard.

14 MS. DAVIDSON: Yes, Your Honor. As you mentioned,
15 the presumption is different. There is a higher level of --
16 that would dictate detention in this case.

17 And further, regarding these jury questionnaires,
18 I've known Mr. Lloyd for over 20 years, and there is no doubt
19 in my mind that he -- if he had been given these jury
20 questionnaires, he would have turned them over to the Court.
21 He's obviously advocating for his client.

22 But, Your Honor, this failure to comply with this
23 order is indicative of the conduct of Ms. Tucci-Jarraf. She
24 similarly does not believe that the rules apply to her. And
25 she went into great detail over her independence from -- her

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1 wealth on the stand.

2 She certainly could flee and has access to a large
3 amount of family money. She certainly could flee if she chose
4 to. And she does not comply with this Court's orders.

5 And the fact that she has complied with all the
6 previous conditions is a very low weight.

7 THE COURT: All right. Anything further, Mr. Lloyd?

8 MR. LLOYD: Your Honor, Ms. Tucci-Jarraf would like
9 to be heard on this.

10 THE COURT: Okay. Go ahead, Ms. Tucci-Jarraf.

11 MS. TUCCI-JARRAF: Thank you.

12 As far as the discrepancies with the dates, I wrote
13 that this morning at 5:00 a.m. while I was still searching, so
14 if there is incorrect dates, I was just remembering that there
15 was a possibility I had given them to Francis, because, as this
16 Court knows and has made a public record, I believe that it was
17 different with the praecipe, which was Document 98. So I had
18 no use for those.

19 So if there are wrong dates, that's completely my
20 error. But it wasn't intentional. So Francis and I -- excuse
21 me, Mr. Lloyd and I are going to be both searching for those
22 particular documents.

23 As far as a flight risk or anything else. I'm still
24 committed to being here to the very end, no matter what the
25 outcome was. I stated that in the beginning. I followed

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1 through with it. I continue until incarceration or until
2 there's some other result. But I'm not leaving Tennessee until
3 it's concluded. I've made that very clear. All my actions
4 have fallen through -- followed through with that.

5 Ms. Wilson and I have -- I've complied with
6 everything, even beyond as far as reporting and everything
7 else.

8 So at this time, I would like to restate my intention
9 to be here until the very end and sentencing on June 26th,
10 unless there's some change by the court, of course, on that
11 matter.

12 So that's all I have to say. Thank you.

13 THE COURT: Thank you. Anything further from either
14 counsel in this case?

15 All right. Well, the Court referenced the standards
16 applicable to a decision in this case. The general rule is
17 that a person who has been found guilty of an offense and is
18 awaiting imposition of sentence must be detained unless no term
19 of imprisonment is recommended for the defendant, or the
20 defendant can show by clear and convincing evidence that she is
21 not likely to flee or pose a danger to others. The Court
22 referencing 18 United States Code Section 3143(a)(1).

23 The Sixth Circuit has stated in numerous cases, and
24 the Court quoting from United States v. Vance, "Once guilt of a
25 crime has been established in a court of law, there is no

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1 reason to favor release pending imposition of a sentence or
2 appeal."

3 In other words, the Court is now quoting from United
4 States v. Bowman, "Section 3143(a)(1) creates a presumption
5 against release, which the defendant must overcome. However,
6 defendants convicted of certain offenses, particularly those
7 described in Subparagraphs A, B, or C of 18 United States Code
8 Section 3142(f)(1) must be detained pending sentencing."

9 Here, the crime of which this defendant,
10 Ms. Tucci-Jarraf, has been convicted, conspiracy to commit
11 money laundering, in violation of 18 United States Code Section
12 1956(h) does not fall within the offenses described in
13 Subparagraphs A, B, or C of Section 3142(f)(1).

14 Therefore, the Court must turn to an analysis of
15 whether the defendant has shown by clear and convincing
16 evidence that she is not likely to flee or pose a danger to the
17 community.

18 18 United States Code Section 3142(g) provides a
19 nonexclusive set of factors for the Court to consider in
20 deciding whether the defendant has met this burden.

21 These include the nature and circumstances of the
22 offense, including whether it is a crime of violence, the
23 weight of the evidence against the defendant concerning any
24 risk of flight or danger to the community, the history and
25 characteristics of the defendant, including her character,

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1 mental and physical condition, family and community ties,
2 employment status, financial resources, criminal history,
3 substance abuse history, and probation or supervised release
4 status, and the nature and seriousness of the danger posed to
5 the community by the defendant's potential release.

6 The ultimate touchstone of this analysis is whether
7 there are conditions of release that will reasonably assure the
8 appearance of the defendant, as required, and the safety of the
9 person in the community.

10 Here, the Court has carefully reviewed these factors
11 and other relevant considerations in relation to the parties
12 and circumstances of this case.

13 And, ultimately, after consideration of the arguments
14 and the standards, the Court finds that the defendant has
15 failed to meet her burden of proving by a clear and convincing
16 evidence that she is not likely to flee the jurisdiction before
17 sentencing hearing.

18 Let me expand upon that. From the time this case has
19 begun -- and the Court does take into consideration
20 Ms. Tucci-Jarraf's declaration that she would comply with
21 conditions of release and be here for sentencing and does note
22 her compliance to date on pretrial release.

23 But on the other hand, the Court is mindful that from
24 the time this case began, this defendant has repeatedly
25 challenged the Court's subject matter jurisdiction, the

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1 authority of the government to bring charges against her, and
2 the legal existence of the federal government as a whole.

3 Indeed, she has filed numerous documents purporting
4 to void the indictment and ordering the Court to dismiss all
5 charges against her, including before trial and during the
6 course of this trial. Ms. Tucci-Jarraf has also repeatedly
7 filed altered version's of the Court's orders that purport to
8 reject those orders as invalid.

9 In fact, referencing the order -- or excuse me,
10 referencing the declaration filed today, February 1, by
11 Ms. Tucci-Jarraf, and putting aside the declarations therein
12 regarding the timing and supposed return of the juror
13 questionnaires to her standby counsel, the Court instead, for
14 purposes of this analysis, focuses on her declaration in
15 Paragraph 9 that until the morning the trial began, she, quote,
16 believed 100 percent, closed quote, that this case would not go
17 to trial, given that she did not consent to these proceedings.

18 In other words, this declaration -- through this
19 declaration, the defendant appears to continue to believe,
20 despite the Court's multiple rulings on the matter, that the
21 Court has no authority over her.

22 And the Court finds no reason to believe, despite the
23 assurances given, that this defendant would attach greater
24 legitimacy to the upcoming sentencing hearing than she has to
25 the trial and the other proceedings in this case, particularly

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1 given her positions as to the jurisdiction of the Court now in
2 light of a guilty verdict as to her and an upcoming sentencing
3 hearing related to a potential term of imprisonment.

4 Thus, the Court is not convinced, despite the
5 assurances of the defendant or the other arguments made by the
6 defendant, that Ms. Tucci-Jarraf would comply with either the
7 conditions of release to which she is currently subject or any
8 new conditions the Court could impose pending her sentencing
9 hearing, the Court thus concluding that there are no conditions
10 of release that would reasonably assure the appearance of the
11 defendant as required.

12 Further analysis or support for the Court's decision,
13 and one of the factors mentioned was the history and
14 characteristics of this defendant.

15 And in that regard, the Court looks at
16 Ms. Tucci-Jarraf's own testimony in this case, which the Court
17 must consider. That testimony includes, but is not limited to,
18 she testified she is from a, quote, well-to-do family, closed
19 quote, and that she spent over 20 -- she has spent over
20 \$20 million over the last 20 years on her costs.

21 She also testified as to extensive foreign travel,
22 including, in particular, to Morocco and Italy. In addition,
23 she referenced foreign travel to China, Hong Kong, Haiti, among
24 other foreign countries. Also, Ms. Tucci-Jarraf testified as
25 to extensive foreign contacts, referencing contacts with

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1 foreign leaders, foreign agents, and foreign business
2 associates. She also alluded to assets of either herself or of
3 her foreign contacts that are or could be held in foreign
4 countries, all of which the Court must further take into
5 consideration as part of its analysis in this case.

6 Now, it is true that Magistrate Judge Shirley elected
7 to release Ms. Tucci-Jarraf pending trial. He did so based on
8 a finding that she intended to litigate this case to trial and
9 present her position to the jury notwithstanding her belief
10 that the Court lacks authority over her.

11 And at the time of her initial appearance, the Court
12 must note, she envisioned being exonerated of the charges
13 against her or based on her declaration of today of being
14 convinced that this case would not or would never go to trial.

15 However, again, Ms. Tucci-Jarraf has now been found
16 guilty of a serious offense and is facing a potentially
17 substantial term of imprisonment. Thus, the justification for
18 release of the defendant at the time of her initial appearance
19 is no longer present, and is noted and is discussed with the
20 parties the standards and burdens have now changed in light of
21 the jury's return of a guilty verdict as to Ms. Tucci-Jarraf on
22 Count 7.

23 Therefore, in light of the Section 3142(g) factors,
24 in particular, the seriousness of the offense of conviction,
25 the defendant's history of disputing the Court's authority over

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1 her, and the weight of evidence that she poses a risk of
2 flight, and keeping in mind, the presumption against release,
3 which defendant must overcome, the Court finds the defendant
4 has failed to prove by clear and convincing evidence that she
5 would not likely flee the jurisdiction if released.

6 As such, the default rule of 18 U.S.C.
7 Section 3143(a)(1) applies, and the defendant,
8 Ms. Tucci-Jarraf, the Court orders, must be detained pending
9 sentencing.

10 In light of this ruling, related to flight risk, the
11 Court need not determine whether she's carried her burden of
12 proving she's not a danger to the community, and, accordingly,
13 the Court hereby orders that the defendant, Heather Ann
14 Tucci-Jarraf, shall be detained pending her sentencing hearing.

15 I'm not going to deal with the other parts of the
16 declaration related to the juror questionnaire today. That may
17 be appropriate for another hearing, but we'll leave that for
18 now.

19 Any other matters we need to bring up at this time
20 related to this case?

21 Ms. Davidson, on behalf of the government?

22 MS. DAVIDSON: No, Your Honor.

23 THE COURT: Ms. Tucci-Jarraf, or, Mr. Lloyd, on your
24 behalf?

25 MS. TUCCI-JARRAF: No.

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1 THE COURT: Mr. Beane, anything further on your
2 behalf?

3 MR. BEANE: No.

4 THE COURT: All right. We'll stand adjourned.

5 Thank you, everyone.

6 THE COURTROOM DEPUTY: All rise. This honorable
7 court shall stand adjourned.

8 (Proceedings adjourned at 11:28 a.m.)

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CERTIFICATE OF REPORTER

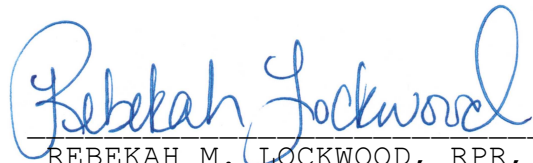
STATE OF TENNESSEE

COUNTY OF KNOX

I, Rebekah M. Lockwood, RPR, CRR, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings; and that the foregoing pages constitute a true and complete computer-aided transcription of my original stenographic notes to the best of my knowledge, skill, and ability.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand at Knoxville, Knox County, Tennessee this 22nd day of April, 2018.



REBEKAH M. LOCKWOOD, RPR, CRR
Official Court Reporter
United States District Court
Eastern District of Tennessee